

Chairman Vap called the regularly scheduled meeting to order at 10:04 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published July 14, 2004, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 20, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

AD-306 In the Matter of Mike Janssen, Lincoln, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

AD-307r In the Matter of Credit Management Control, Inc., Racine, Wisconsin, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3096 In the Matter of Great Plains Communications, Inc., et
C-3110 al., Blair, seeking a suspension or modification of the
C-3122 Federal Communications Commission Requirement to
C-3128 Implement Wireline-Wireless Number Portability
C-3146 Pursuant to 47 U.S.C. Section 251(f)(2); and In the
C-3153 Matter of Arapahoe Telephone Company, et al., Arapahoe,
C-3154 seeking a suspension or modification of the Federal
C-3132 Communications Commission Requirement to Implement
C-3143 Wireline-Wireless Number Portability Pursuant to 47
C-3147 U.S.C. Section 251(f)(2): Motion made by Commissioner
 Frank Landis, seconded by Commissioner Rod Johnson, to
enter an order granting suspension. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3213/ DC-67 In the Matter of the Commission, on its own motion, seeking an order to cease and desist operations and to revoke the Certificates of Public Convenience and Necessity issued to the named defendants: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order amending the petition and entering an additional order dismissing the complaint in part. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. A hearing was scheduled for September 28, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Jerry Vap will preside as Hearing Officer.

C-3214 In the Matter of Galaxy Cable, Inc., New York, New York, seeking approval of transfer of Certificate of Authority of Galaxy Telecom, L.P. to provide intrastate interexchange telecommunications services: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3201 In the Matter of Qwest Communications Corporation, Denver, Colorado, seeking authority to operate as a competitive local exchange carrier of telecommunications services within the State of Nebraska: Gene Hand informed the Commission that Motions to Dismiss had been received from Hemingford Cooperative Telephone Company, Dalton Telephone Company, Inc., Elsie Communications, Inc., and the Rural Independent Companies.

C-3222 In the Matter of TSI Telecommunication Network Services, Inc., Tampa, Florida, seeking to change its name to Syniverse Networks, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3215 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Directory Assistance Agreement with Wireless II, LLC, Grand Island: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3216 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Operator Services Agreement with Ionex Communications North, Inc., Dallas, Texas: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3217 In the Matter of Qwest Corporation, Denver, Colorado,
 seeking approval of its Directory Assistance Agreement with
Ionex Communications North, Dallas, Texas: Motion made by Commis-
sioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter
an order granting the application. Motion passed with Commissioners
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap
voting AYE.

C-3218 In the Matter of Qwest Corporation, Denver, Colorado,
 seeking approval of its Directory Assistance Agreement with
Aliant Midwest, d/b/a Alltel, Lincoln: Motion made by Commissioner
Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting
AYE.

C-3219 In the Matter of Qwest Corporation, Denver, Colorado,
 seeking approval of its Statement of Generally Available
terms and Conditions for Interconnection, Unbundled Network Elements,
Ancillary Services, and Resale of Telecommunications Services, with 1-
800 Reconex, Inc., d/b/a USTel, Hubbard, Oregon: Motion made by
Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to
enter an order granting the application. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,
and Jerry Vap voting AYE.

C-3220 In the Matter of Qwest Corporation, Denver, Colorado,
 seeking approval of its Statement of Generally Available
Terms and Conditions for Interconnection, Unbundled Network Elements,
Ancillary Services, and Resale of Telecommunications Services, with LH
Telecom, Inc., Des Moines, Iowa: Motion made by Commissioner Lowell
Johnson, seconded by Commissioner Anne Boyle, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting
AYE.

C-3225 In the Matter of Qwest Corporation, Denver, Colorado,
 seeking approval of its Unbundled Dark Fiber (UDF)
Amendment with NexGen Integrated Communications, L.C., f/k/a NewPath
Holdings, Inc., Urbandale, Iowa, previously granted in C-2305: Motion
made by Commissioner Lowell Johnson, seconded by Commissioner Anne
Boyle, to enter an order granting the application. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,
and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3226 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Unbundled Network Elements Combinations (UNE Combinations) Amendment with NexGen Integrated Communications, L.C. f/k/a NewPath Holdings, Inc., Urbandale, Iowa, previously granted in C-2305: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3227 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to Interconnection Agreement with Cricket Communications, Inc., Tulsa, Oklahoma, previously granted in C-2145: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Gene Hand informed the Commission that the Nebraska Internet Enhancement Fund Advisory Board meeting was scheduled for August 23, 2004, via video conference in the Commission Library, Lincoln; and McCook Community College, McMillen Hall, Room 208, 1205 East 3rd Street, McCook; and via telephone at 402-472-6292.

E-2043 In the Matter of the City of Holdrege, seeking authority to construct, operate and maintain an electric transmission line in Phelps County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2044 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Garden County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2046 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Cedar County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that Hamilton Relay, Inc. was selected as the new provider of Telecommunications Relay Services (TRS) in the State of Wyoming as the result of a competitive bidding process.

Gene Hand reported on the National Association of Regulatory Utility Commissioners (NARUC) meeting held in Salt Lake City, Utah, from July 9-14, 2004.

UNIVERSAL SERVICE FUND

NUSF-37.22 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund, Complainant, vs. NUI Telecom, Inc., Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-37.31 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund, Complainant, vs. Reduced Rate Long Distance, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley discussed the Erratum Order entered on July 8, 2004, by the Hearing Officer, correcting errors to Appendix C of the Order entered on June 29, 2004.

NUSF-7.07 In the Matter of Qwest Corporation, Denver, Colorado, seeking issuance by the Commission of an Order Waiving Certain Requirements in the Opinion and Findings in Application C-1628 associated with the NUSF Support Calculation in the Transition Period: Jeff Pursley reported and discussed the request received from Qwest.

E911 DEPARTMENT

WSP-013.1 In the Matter of T-Mobile, Bellevue, Washington, seeking approval of the Phase I Implementation Plan: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Kara Thielen reported that she is scheduling conference calls with all Phase I PSAP's to discuss Phase II planning.

E911 DEPARTMENT (Cont.)

Kara Thielen reported on the current review of GIS software from six vendors that are planning to submit a response to the Request for Proposal (RFP).

Kara Thielen reported that several carriers were late remitting the required quarterly reports and letters were sent to those companies as a reminder.

Kara Thielen reported on letters sent to PSAP's requesting information regarding GIS cost recovery. Letters were mailed to PSAPs requesting that they provide cost/invoices for equipment previously purchased for Phase II.

Kara Thielen presented an update on Project LOCATE.

Kara Thielen reported on an issue with 411 for Sprint and Verizon. Sheriff Miller from Buffalo County notified Kara Thielen of the problem. Kara worked with both carriers and the problem has been corrected.

Kara Thielen discussed the PSAP/Vendor meetings scheduled for September 14, 15 and 16, in the Commission offices. This will provide an opportunity for the PSAPs to research and select equipment for Phase II infrastructure.

NATURAL GAS DEPARTMENT

FC-1319 In the Matter of Kinder Morgan, Inc., Lakewood Colorado, vs. City of Hastings, Hastings, alleging installation of duplicative and redundant natural gas piping and services in the City of Hastings and its environs: The oral argument previously scheduled for a date later to be determined was rescheduled for August 18, 2004, at 1:30 p.m. in the City Council Chambers, City Hall, 220 North Hastings Avenue, Hastings.

NG-0023 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking a waiver of notice and publication and to implement supply cost adjustment rate schedules applicable to Nebraska Rate Schedules CGS (Choice Gas Service), ACGS-NSS (Agricultural Choice Gas Service Non-Seasonal Service), and ACGS-SS (Agricultural Choice Gas Service Seasonal Service): Laura Demman advised the Commission that Kinder Morgan filed a revised Gas Cost Supply Adjustment tariff reflecting credits for released upstream capacity, to be effective August 1, 2004.

Laura Demman informed the Commission that general tariff revisions to Kinder Morgan's Choice Gas Service tariff and Agricultural Choice Gas Service tariff were filed June 30, 2004, to be effective August 1, 2004.

NATURAL GAS DEPARTMENT (Cont.)

Laura Demman reported that in District Court Appeal No. CI 03-4555 (NPSC Application P-0006), an oral argument was scheduled for August 16, 2004.

RULES AND REGULATIONS

Rule and Regulation #157 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Pipeline Common Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order issuing further proposed rules. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:
GW-666 Wheat and corn at Crossroads Cooperative Association, Sidney.
GW-2135 Corn, soybeans, and oats at Wilhelm Grain Co., Humboldt.

John Fecht reported that there are five grain warehouse licenses that have not been renewed due to background checks.

John Fecht reported that there are 30 grain warehouse bonds not filed for the two cent increase for review of financial statements.

GW-5 In the Matter of Thelen Grain Co., Inc., Wood River: John Fecht reported on the progress of closing the warehouse.

GW-267 In the Matter of Cooperative Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. GW-6 in the amount of \$500,000.00, issued on behalf of Greenwood Farmers Cooperative d/b/a Midwest Farmers Cooperative, Greenwood: Application was granted effective July 1, 2004.

GW-1119 In the Matter of Trotter Incorporated d/b/a Trotter Grain and Fertilizer Company, Arcadia, seeking to buy the grain represented on lost Grain Warehouse receipts B658541 and B658542: Application was granted.

GW-2141 In the Matter of Pender Grain, Inc., Pender: Motion made by Anne Boyle, seconded by Lowell Johnson, to enter a complaint and schedule a hearing for August 31, 2004, at 1:30p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. Commissioner Lowell Johnson will preside as Hearing Officer.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

John Fecht reported that there are 12 grain dealer licenses that have not been renewed due to background checks.

GD-2730 In the Matter of Rittscher Trucking, Inc. Elgin: John Fecht reported that the financial statement was received July 19, 2004.

GD-2742 In the Matter of Union Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 210 42 19 in the amount of \$35,000.00, issued on behalf of Kelly Egle, Palisade: Application was granted effective July 11, 2004.

GD-2869 In the Matter of DeBruce Grain, Inc., Kansas City, Missouri: John Fecht reported that the financial statement was received July 8, 2004.

TRANSPORTATION DEPARTMENT

B-1593 In the Matter of Francoise Antoine, d/b/a Bon Samaritan, seeking authority as a common carrier of passengers by van between points in Lancaster County over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion was made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter the pending dismissal order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

B-1623 In the Matter of First Holiday Tour & Travel, Inc., d/b/a Doc Holiday Express, Inc., Grand Island, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter service between all points in Nebraska over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion was made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to grant the application as amended. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1634 In the Matter of Liberty Transportation, Inc., Omaha, seeking authority as a common carrier of passengers in open class service by vans between points in Douglas, Sarpy, Cass, and Washington counties over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized:

B-1634 Motion was made by Commissioner Anne Boyle, seconded by (Cont.) Commissioner Frank Landis, to deny the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

M-14131 In the Matter of Andy S. Pollock, Director, Motor Transportation Department vs. Apartment Movers of Omaha: A video hearing was scheduled for September 27, 2004, at 1:30 pm. in the Commission Library, Lincoln and Nebraska State Office Building, Room 207, 1313 Farnam, Omaha. Commissioner Anne Boyle will preside as Hearing Officer.

M-14180 In the Matter of Johnson Storage & Moving Co, LLC, Denver, Colorado, seeking authority as a common carrier of household goods by van and tractor-trailer between points in Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter the pending dismissal order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

B-1621 In the Matter of Phoenix Counseling, Inc., d/b/a Phoenix Transportation Services, Omaha, seeking authority as a common carrier of passengers by van between points in Douglas, Cass, Sarpy, and Washington counties in open class service over irregular routes: The video hearing previously scheduled for June 30, 2004, was continued to August 16, 2004, at 10:00 a.m. in the Commission Library, Lincoln, and the Nebraska State Office Building, Room 207, 1313 Farnam, Omaha. Commissioner Anne Boyle will preside as Hearing Officer.

Bob Harrison reported on pending investigations.

Commissioners Rod Johnson and Frank Landis exited the Commission Hearing Room.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 24 cents per mile, and the taxi surcharge at 45 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to ratify invoices that were paid between 7/7/04 and 7/19/04. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Rod Johnson	\$	288.75
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NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Hearing Health Care	862.10
Bosler Hearing Aid Center	403.50
Grand Island Hearing Aid Center Inc	336.00
Hamilton Telecommunication	559.93
Carl A. Johnson	1,521.00
K-D Communications	3,158.50
Professional Hearing Aid Services	1,719.50
Professional Hearing Aid Services	1,599.60
R & J Enterprises	1,134.01
Sherard Hearing Aid Center	149.00
Teltex	838.30
Hearing Clinic Inc.	410.00

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve the following invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

DAS Materiel-Office Supplies	608.45
DAS Risk Management	3,708.32
DAS Risk Management	7,243.91
HHS Finance & Support	650.65
Hamilton Telecommunications	76,628.82
Kelly Services	1,291.16
Kelly Services	1,146.43
NARUC	8,192.00
Gene Hand	829.63

The meeting adjourned at 11:14 a.m. with Commissioners Boyle, Lowell Johnson, and Vap present and Commissioners Rod Johnson and Frank Landis excused. The next regularly scheduled meeting will be held on July 27, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on July 26, 2004.

Chairman

Executive Director